



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 20, 2005

Mr. Chuck Hauser
Davis, Bowen & Friedel, Inc.
23 N. Walnut Street
Milford, DE 19963

RE: PLUS review – PLUS 2005-05-21; Milford Business Park

Dear Mr. Hauser,

Thank you for meeting with State agency planners on June 1, 2005 to discuss proposed plans for the Milford Business Park project to be located on 211 acres on Airport Road in Milford.

These comments reflect only issues that are the responsibility of the agencies represented at the PLUS review meeting. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. The development must comply with any Federal, State and local regulations.

Executive Summary

This section includes some site-specific highlights from the agency comments found in this letter and is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

Project Location

- This project is located in Investment Levels 1 and 2 according to the *Strategies for State Policies and Spending* and in the City of Milford. Investment Level 1 and 2 areas are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. The Office of State Planning Coordination has no objections to the proposed development of the business park in accordance with the relevant City codes and ordinances.

Streets & Roads

- DelDOT recommends that the City undertake a traffic impact study for the undeveloped portions of the business park.

Natural/Cultural Resources

- Previous archaeological testing did not include the wooded area of the site, now proposed for Delaware Hospice. Any archaeological sites in the woods are likely to have high integrity. SHPO requests the opportunity to inspect the wooded area for existing sites.
- A 100-foot vegetated buffer from the wetlands on-site is recommended.
- Pervious materials should be considered in lieu of impervious paving surfaces to reduce the impervious cover of the site and reduce the pollutant-laden surface run-off into wetlands and streams.
- A portion of the site falls within an excellent recharge area (see map). Recommendations to address this are included in the "Water Resource Protection Areas" section of this letter.
- Where possible, existing forested areas on-site should be preserved and enhanced.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

This project is located in Investment Levels 1 and 2 according to the *Strategies for State Policies and Spending*. This site is also located in the City of Milford. Investment Level 1 and 2 areas are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed development of the business park in accordance with the relevant City codes and ordinances.

State Historic Preservation Office (SHPO) – Contact Alice Guerrant 739-5685

The area proposed for the Veterans Home was previously reviewed under the provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended). The survey located a historic archaeological site and a small scatter of prehistoric remains in the field (K-7379). Additional testing demonstrated that the site does not have sufficient integrity to be eligible for the National Register of Historic Places. However, testing did not include the wooded area, now a proposed location for Delaware Hospice. Any sites in the woods are likely to have high integrity, especially for prehistoric remains. SHPO requests the opportunity to inspect the wooded area for existing sites.

Department of Transportation – Contact Bill Brockenbrough 760-2109

The City of Milford is developing a 211-acre business park on an assemblage of parcels located on either side of Airport Road (Tax Parcels MD-00-173.00-02-9.01 and MD-16-173.00-01-2.00 through 2.04, totaling 120 acres on the north side and Tax Parcels MD-16-173.00-01-3.00 through 3.03 and MD-16-173.00-01-3.06 through 3.31, totaling 91 acres on the south side). Much of the land on the south side of Airport Road has been developed and plans are pending for the Delaware Veterans Home and a Boys and Girls Club on the north side.

DelDOT recommends that the City undertake a traffic impact study for the balance of the park. The City could then use it to develop capital plans, request that work be added to the capital plans of the Dover-Kent County Metropolitan Planning Organization and DelDOT, and determine what should be required of prospective tenants in the park. DelDOT offers to provide technical assistance in developing a scope for such a study.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-3091

Soils

According to the Kent County soil survey, Sassafras, Woodstown, Fallsington, and Johnston were mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is a poorly drained wetland associated (hydric) soil that has severe limitations for development. Johnston is very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands along Improvement Branch. From the site plan provided with the PLUS application, it appears that there will be no impacts to wetlands.

Impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act; impacts to tidal wetlands are regulated by the DNREC Division of Water Resources, Wetlands and Subaqueous Lands Section. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers require 401 Water Quality Certification from the Wetlands and Subaqueous Lands Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. The applicant is encouraged to attend a Joint Permit Process Meeting which are held monthly and attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding, (302) 739-4691 to schedule a meeting.

The site is bordered by sensitive headwater riparian wetlands associated with the Improvement Branch headwater stream. Headwater streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff and their protection deserves the highest priority. In recognition of this concern, the Department strongly recommends that the applicant preserve the entire natural forested buffer adjacent to the Improvement Branch. Efforts to maximize or expand the existing natural buffer width beyond the recommended minimum with native herbaceous or woody vegetation are strongly encouraged.

Buffers

The PLUS application indicates there will be disturbance within 100 feet of wetlands. Buffers of less than 100 feet do not adequately protect water quality. A 100-foot vegetative buffer around all wetlands and riparian areas is recommended on this site. Buffers reduce sediments, pollutants, and other non-point source material that affects the condition and survivability of aquatic organisms. This buffer is especially important considering the large amount of impervious surface being proposed.

Impervious Cover

Given the environmentally sensitive nature of this watershed, the applicant should make innovative efforts or BMPs to reduce impervious cover. Using pervious materials in lieu of impervious paving surfaces (asphalt or concrete), significantly reduces pollutant-laden surface runoff into wetlands and streams.

TMDLs

Total Maximum Daily Loads (TMDLs) pollution runoff mitigation strategies to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed. TMDLs for the Mispillion subwatershed, of which this site is part, are scheduled for completion in December 2005.

Until specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be utilized during construction, a permit must be obtained from the Water Supply Section in advance. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Dewatering well permit applications take approximately 4 weeks to process. Questions concerning these comments can be directed to Rick Rios, (302) 739-3665.

Water Resource Protection Areas

A portion of the site falls within an excellent recharge area (see map). According to State law, county and municipal governments are required to enact ordinances to protect Water Resource Protection Areas. The text below has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While local ordinances are not yet in place, the developer may find this wording useful in modifying the site plan to protect the wellhead protection area.

“Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2)

wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPA's.

New development in WRPA's may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis."

Applicants commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. The DNREC recommends the following measures, ranked in order of preference:

- 1) Preserve WRPA's as open space and parks by acquisition or conservation easement;
- 2) Limit impervious cover of new development to 20 % by right within WRPA's;
- 3) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff;
- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

More information can be found at:

Source Water Protection Guidance Manual for the Local Governments of Delaware at

<http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual.pdf>

Ground-Water Recharge Design Methodology at

http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual_supplement_1.pdf .

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, (302) 741-2600 X3, for details regarding submittal requirements and fees.

There is an approved sediment and stormwater plan for roads, utilities and stormwater management in the southern portion of the Milford Business Park. A sediment and stormwater plan detailing temporary erosion and sediment controls during construction is required for each building lot.

A sediment and stormwater plan has been approved for Phase 1 of Milford Independence Commons, located on the north side of Airport Road. Phase 1 includes the road and utilities necessary to serve the Delaware Veteran's Home and the large wet stormwater

management pond and is under construction at this time. The Delaware Veteran's Home sediment and stormwater plan has been approved and construction will begin shortly.

With 75% impervious area allowed by zoning for the north side, known as Milford Independence Commons, an increase in the volume of runoff to Improvement Branch is likely. The Sediment and Stormwater Program requested that an analysis of Improvement Branch downstream from the site and the culvert crossing on Bowman Road be completed prior to approval of Phase II of Milford Independence Commons. Limited clearing of the wooded lot on the northeast corner is recommended in order to preserve the pre-development hydrology of the site. The pond straddling lot lines on the northeast portion has been reviewed as part of the overall stormwater management plan. Construction plans for this pond have not yet been approved, making relocation or reconfiguration possible in an effort to limit clearing.

Situating stormwater management ponds on individual lots, and particularly crossing lot lines is not recommended. Stormwater management facilities should be located in open space and maintenance responsibility clearly defined. It is understood that the City of Milford will be responsible for maintenance of all stormwater management facilities on the site, regardless of their location on individual lots. Maintenance access easements will be required on those individual lots containing stormwater management facilities.

Plans for Milford Independence Commons Phase II include a low area with no outlet for agricultural runoff that will eventually infiltrate or evaporate as a result. This condition should be modeled in pre-development stormwater runoff computations and the allowable post development discharge designed accordingly. Any outlet toward Airport Road for this portion of the site will require an analysis to ensure that the downstream conveyance system, including roadside swales and storm drain piping, has the capacity to convey developed runoff to eventual discharge at Mullet Run.

Drainage

The Drainage Section does not understand how stormwater will be directed to stormwater ponds and requests that locations of proposed conveyances be shown on preliminary plans. Precautions should be taken to ensure the project does not hinder off-site drainage upstream or create problems downstream by in the release of on-site storm water.

Forests

According to 2002 aerial photos, forested areas exist on the parcel. Impacts to the forested area should be minimized and the developer is strongly encouraged to preserve the existing forest on site. Forested areas set aside for conservation purposes should be placed into permanent conservation easements or other binding protection. These areas should be clearly marked and delineated so their importance is understood.

Open Space

Enhancing open space along forested areas will increase its value for birds and wildlife and reduce the long-term cost of open space maintenance. Open space containing forest

and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism.

Rare Species

DNREC has not surveyed this site and there are currently no records of state-rare or federally listed plants, animals or natural communities. There are rare plant and animal species downstream that could be affected if water quality is diminished by this project.

Nuisance Geese

Native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a 50-foot buffer area around the perimeter are recommended to deter geese that may be attracted to stormwater management ponds. Ponds should not be located adjacent to athletic fields, as their grasses are attractive to waterfowl. Subsequent droppings could interfere with activities and geese can become aggressive during the nesting season. Planting should be completed as soon as possible. Waterfowl do not feel safe when they cannot see possible predators in the surrounding area. It is easier to control a few geese than to remove a plentiful population. The Division of Fish and Wildlife does not provide goose control services and residents will have to accept this burden (for example permit applications and fees, securing services of certified wildlife professionals). Solutions can be costly and labor intensive. Reducing the number and/or size of ponds and providing proper landscaping and monitoring techniques will minimize nuisance geese.

Recreation

Sidewalks throughout the complex are recommended. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities, 2) provide opportunities for neighbors to interact in the community, and 3) facilitate safe and convenient off-road access to neighboring communities, parks, public mass transit stops, schools, stores, work, etc. Also, bike racks should be provided at several locations to encourage non-motorized forms of travel.

Underground Storage Tanks

There are no recorded LUST site(s) near the proposed project. Should underground storage tank(s) or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. While changes to construction specifications are not expected as a result of unanticipated petroleum contamination, PVC pipe would need to be replaced by ductile steel in all contaminated areas.

State Fire Marshal's Office – Contact Duane Fox 856-5298

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- 1) Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Business, and Residential)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains of fire hydrants and sprinkler systems.

2) Fire Protection Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

3) Accessibility

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Airport Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

4) Gas Piping and System Information

- Provide type of fuel proposed, and show size and location of bulk containers on plan.

5) Required Notes

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact Mark Davis 739-4811

The Delaware Department of Agriculture supports development of the business park to serve the City of Milford citizens' and to improve the economic viability of the town.

Right Tree for the Right Place

The Department of Agriculture encourages the developer to use the “Right Tree for the Right Place” concept in any design considerations. This concept outlines the proper placement of trees to increase property value and reduce heating and cooling costs by an average of 20 to 35 dollars per month. A landscape design that uses this approach reduces maintenance costs to property owners and ensures a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from adjacent land-use activities near the site. A properly designed forested buffer can create wildlife habitat corridors, clean our rivers and creeks of storm-water run-off pollutants, and improve air quality to the area by removing six to eight tons of carbon dioxide annually. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Tree Preservation

The Department of Agriculture encourages the developer to implement tree preservation activities to ensure the health and vigor of the resource. Trees are affected by compaction

of soils during the construction process; guidelines established by the International Society of Arboriculture (ISA) serve to lessen this impact and provide increase value to the site.

Tree Mitigation

The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

Public Service Commission - Contact Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

Delaware Emergency Management Agency – Contact Don Knox 659-3362

No significant impact to public safety is foreseen by implementation of this project. However police, fire service, and emergency medical response organizations serving the City of Milford should be kept apprised of all development activities. Routes 14 and 113 are coastal storm evacuation routes and this development will be affected by traffic volume on these routes during a coastal storm event.

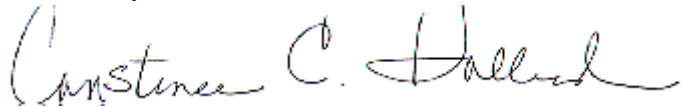
Delaware Economic Development Office – Dorrie Moore 672-6816

The Delaware Economic Development Office (DEDO) supports the development of the Milford Business Park and the planned development of the area north of Airport Road now known as the Milford Independence Commons. The DEDO would like to work with the City of Milford to identify land that might be developed for industrial users in the future.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: Sussex County



Milford Business Park

2005-05-21

